

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

JORDAN CHISHOLM,

Plaintiff,

- v -

OHANA GROWTH PARTNERS, LLC,
D/B/A PLANET FITNESS,

Defendant.

Civil Action No.:
1:24-cv-01924-SAG

**OHANA GROWTH PARTNERS, LLC'S
MOTION TO DISMISS THE COMPLAINT**

Jordan Chisholm was terminated from his Planet Fitness trainer position on December 21, 2023. He now asserts claims for interference and retaliation under the Family and Medical Leave Act against his former employer. He claims that he missed work in late November 2023 in order “to leave the state of Maryland and take care of his family member” and that he “took off to care for his family member between December 13 to December 20.”

These allegations are demonstrably false. But the Court need not delve into the actual facts because Mr. Chisholm’s complaint must be dismissed for a much more fundamental reason: it fails to plead any facts showing that Mr. Chisholm was entitled to FMLA leave. As shown in the accompanying memorandum of law, because entitlement to FMLA leave is a prerequisite to a viable FMLA interference or retaliation claim, and because the complaint fails to plead any facts showing that Mr. Chisholm was entitled to FMLA leave, the Court should grant this motion and dismiss the complaint.

Dated: July 9, 2024

Respectfully submitted,

/s/ Amy M. Heerink

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d/b/a Planet Fitness***

Local Rule 105.6 Request for Hearing

Pursuant to Local Rule 105.6, Ohana respectfully requests that the Court hold a hearing on this motion.

/s/ Amy M. Heerink

Amy M. Heerink

Certificate of Service

I HEREBY CERTIFY that on this 9th day of July, 2024, a copy of the foregoing was filed with the Court using the CM/ECF system, which will electronically serve all counsel of record who have entered an appearance in this case.

/s/ Amy M. Heerink

Amy M. Heerink